

FIRST REGULAR SESSION

# SENATE BILL NO. 521

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS LAGER, SCOTT, PURGASON, BARNITZ AND SHOEMYER.

Read 1st time February 19, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1778S.011

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## AN ACT

To repeal section 307.400, RSMo, and to enact in lieu thereof one new section relating to exempting certain types of vehicles designated for farm use from certain commercial motor vehicle laws, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 307.400, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 307.400, to read as follows:

307.400. 1. It is unlawful for any person to operate any commercial motor  
2 vehicle as defined in Title 49, Code of Federal Regulations, Part 390.5, either  
3 singly or in combination with a trailer, as both vehicles are defined in Title 49,  
4 Code of Federal Regulations, Part 390.5, unless such vehicles are equipped and  
5 operated as required by Parts 390 through 397, Title 49, Code of Federal  
6 Regulations, as such regulations have been and may periodically be amended,  
7 whether intrastate transportation or interstate transportation. Members of the  
8 Missouri state highway patrol are authorized to enter the cargo area of a  
9 commercial motor vehicle or trailer to inspect the contents when reasonable  
10 grounds exist to cause belief that the vehicle is transporting hazardous materials  
11 as defined by Title 49 of the Code of Federal Regulations. The director of the  
12 department of public safety is hereby authorized to further regulate the safety of  
13 commercial motor vehicles and trailers as he deems necessary to govern and  
14 control their operation on the public highways of this state by promulgating and  
15 publishing rules and regulations consistent with this chapter. Any such rules  
16 shall, in addition to any other provisions deemed necessary by the director,  
17 require:

18 (1) Every commercial motor vehicle and trailer and all parts thereof to be

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 maintained in a safe condition at all times;

20 (2) Accidents arising from or in connection with the operation of  
21 commercial motor vehicles and trailers to be reported to the department of public  
22 safety in such detail and in such manner as the director may require.

23 Except for the provisions of subdivisions (1) and (2) of this subsection, the  
24 provisions of this section shall not apply to any commercial motor vehicle  
25 operated in intrastate commerce and licensed for a gross weight of sixty thousand  
26 pounds or less when used exclusively for the transportation of solid waste or  
27 [forty-two thousand pounds or less] **any commercial motor vehicle operated**  
28 **in intrastate commerce** when the license plate has been designated for farm  
29 use by the letter "F" as authorized by the Revised Statutes of Missouri, unless  
30 such vehicle is transporting hazardous materials as defined in Title 49, Code of  
31 Federal Regulations.

32 2. Notwithstanding the provisions of subsection 1 of this section to the  
33 contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to  
34 the physical requirements of drivers shall not be applicable to drivers in  
35 intrastate commerce, provided such drivers were licensed by this state as  
36 chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who  
37 are otherwise qualified and licensed to operate a commercial motor vehicle in this  
38 state may operate such vehicle intrastate at the age of eighteen years or older,  
39 except that any person transporting hazardous material must be at least  
40 twenty-one years of age.

41 3. Commercial motor vehicles and drivers of such vehicles may be placed  
42 out of service if the vehicles are not equipped and operated according to the  
43 requirements of this section. Criteria used for placing vehicles and drivers out  
44 of service are the North American Uniform Out-of-Service Criteria adopted by the  
45 Commercial Vehicle Safety Alliance and the United States Department of  
46 Transportation, as such criteria have been and may periodically be amended.

47 4. Notwithstanding the provisions of subsection 1 of this section to the  
48 contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours  
49 of drivers, shall not apply to any vehicle owned or operated by any public utility,  
50 rural electric cooperative or other public service organization, or to the driver of  
51 such vehicle, while providing restoration of essential utility services during  
52 emergencies and operating intrastate. For the purposes of this subsection, the  
53 term "essential utility services" means electric, gas, water, telephone, and sewer  
54 services.

55           5. Part 395, Title 49, Code of Federal Regulations, relating to the hours  
56 of drivers, shall not apply to drivers transporting agricultural commodities or  
57 farm supplies for agricultural purposes in this state if such transportation:

58           (1) Is limited to an area within a one hundred air mile radius from the  
59 source of the commodities or the distribution point for the farm supplies; and

60           (2) Is conducted during the planting and harvesting season within this  
61 state, as defined by the department of public safety by regulation.

62           6. The provisions of Part 395.8, Title 49, Code of Federal Regulations,  
63 relating to recording of a driver's duty status, shall not apply to drivers engaged  
64 in agricultural operations referred to in subsection 5 of this section, if the motor  
65 carrier who employs the driver maintains and retains for a period of six months  
66 accurate and true records showing:

67           (1) The total number of hours the driver is on duty each day; and

68           (2) The time at which the driver reports for, and is released from, duty  
69 each day.

70           7. Notwithstanding the provisions of subsection 1 of this section to the  
71 contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not  
72 apply to commercial motor vehicles operated in intrastate commerce to transport  
73 property, which have a gross vehicle weight rating or gross combination weight  
74 rating of twenty-six thousand pounds or less. The exception provided by this  
75 subsection shall not apply to vehicles transporting hazardous materials or to  
76 vehicles designed to transport sixteen or more passengers including the driver as  
77 defined by Title 49 of the Code of Federal Regulations. Nothing in this subsection  
78 shall be construed to prohibit persons designated by the department of public  
79 safety from inspecting vehicles defined in this subsection.

80           8. Violation of any provision of this section or any rule promulgated as  
81 authorized therein is a class B misdemeanor.

82           9. No rule or portion of a rule promulgated under the authority of this  
83 chapter shall become effective unless it has been promulgated pursuant to the  
84 provisions of section 536.024, RSMo.

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